

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Jonathan S. Stinson	Art Unit :	1742
Serial No. :	10/672,891	Examiner :	Jessee Randall Roe
Filed :	September 26, 2003	Conf. No. :	9546
Title :	MEDICAL DEVICES AND METHODS OF MAKING SAME		

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO ACTION OF OCTOBER 29, 2007

In reply to the Office Action of October 29, 2007, Applicant submits the following remarks. Applicant thanks the Examiner for withdrawing the finality of the Office Action of October 18, 2007. In the Office Action of October 29, 2007, claims 1-6, 9-12, 14, 15, and 18-21 were rejected under 35 U.S.C. § 112, first paragraph, and all of the pending claims were rejected under 35 U.S.C. § 103(a). All of the currently pending rejections are in error and should be withdrawn for the following reasons.

The rejection of claims 1-6, 9-12, 14, 15, and 18-21 under 35 U.S.C. § 112, first paragraph, is in error. The Office Action alleges that these claims fail to comply with the written description requirement because “[t]he specification does not contain literal support for a molybdenum base alloy.” Contrary to the Examiner’s allegation, these claims do not claim a “molybdenum base alloy.” Instead, claims 1-6, 9-12, 14, 15, and 18-21 recite that “that the alloy includes at least about 3 weight percent of Mo.” There is written support for this claim element. For example, original claim 13 provides support for this claim element. Accordingly, this rejection is improper and should be withdrawn.

In the Office Action, claims 1-6, 9, 10, 12, 14, 15 and 19 were rejected under 35 U.S.C. § 103(a) as unpatentable over Fischell et al., U.S. Patent No. 5,643,312 (“Fischell”), in view of Steinemann et al., U.S. Patent No. 4,040,129 (“Steinemann”); claims 1-6, 11-12, 14-15, 19, and 41 were rejected under 35 U.S.C. § 103(a) as unpatentable over Lau et al., U.S. Patent No. 5,728,158 (“Lau”), in view of Lenning et al., U.S. Patent No. 3,161,503 (“Lenning”); claims 16-18 were rejected under 35 U.S.C. § 103(a) as unpatentable over Lau in view of Lenning in